

HMGP Newsletter- December 21, 2001

Planning and Communication among Jurisdictions

As we approach the second round of the Hazard Mitigation Grant Program (HMGP) process, potential applicants need to be aware of an issue that has come up numerous times. This issue is the required communication, planning, and impact of alternatives with the jurisdiction internally and with other federal, state, local, and tribal jurisdictions. This issue is seen several times throughout the application and is an important component of the application process, especially due to the fact that it is a required component of the National Environmental Policy Act (NEPA). A "jurisdiction" for the HMGP means the same as an applicant or subgrantee. By definition, 44 CFR states that an applicant is defined as a state agency or college, local government, Indian Tribe, Special Purpose District, or private nonprofit or institution that owns or operates a private non-profit facility as defined in 206.221 part (e).

For example, an applicant should plan and coordinate their application development with the National Flood Insurance Program, State Department of Ecology, local Historical Society, State Office of Archaeology and Historic Preservation, local emergency management office, local county or municipal public works, local residents, local fire districts, and local school districts, just to name a few. Try to think in terms of who uses the service or is affected by it.

The following are some examples of how projects could affect more than just the jurisdiction in which they reside:

1. A city wants to acquire homes in the floodplain, but the fire district or school district in the area could lose revenue or students if the project goes through. If the city had communicated with other jurisdictions, other alternatives to this problem may have been considered.
2. A water district wants to retrofit several reservoirs in an area, but the city and the fire district have not been consulted on this project. The city and the fire district have no idea the water they rely on is susceptible to a seismic hazard and may miss the chance to lend their support to the project.
3. A community wants to put tie-downs on all of its computers in a building that is heavily used by the public. The disruption to customer service caused by this type of project if it is not scheduled properly can affect the public and others who may need the services. This could affect a permit, a budget, or a payroll check, and the city user needs to know that the purpose of the project is to help avoid further disruption.

With this information in mind, potential applicants should start looking at their prospective projects with planning and coordination in mind. Applicants should think about how communication and planning, both internally and with neighboring jurisdictions, will help shape their projects. We are making strides to emphasize this more clearly in the second round.

Second Round - Letters of Intent

The second round of applications for the state Hazard Mitigation Grant Program (HMGP) will begin with the Letters of Intent (LOI). The LOI indicates the interest of an eligible applicant to apply for funding through the HMGP. Letters of intent were emailed to the local emergency management offices, state agency emergency management liaisons, tribes, the offices of the Washington

Association of Counties and Association of Cities, and members of the Washington Voluntary Organizations Active in Disasters to be shared within their communities and organizations. It is suggested that during this second round, the LOIs should be focused on what the actual priority will be for the application(s). In order to do this, it is strongly suggested that the Public Involvement process begin with the LOI. By having the public help determine the type of projects(s) for the LOI, the applicant begins to meet the National Environmental Policy Act's public involvement requirements early.

The project funding cap and number of applications allowed per applicant will be determined based on the number of LOIs submitted and the total amount of funding requested.

The LOI, also posted on the division's website, www.wa.gov/wsem (see Mitigation), is due back to the Hazard Mitigation Section by February 15, 2002 no later than 5:00 pm. Applicants can mail, email, fax, or deliver the LOIs in person the Mitigation staff at Camp Murray.

Who is Eligible?

According to 44 CFR Eligibility, applicants to the HMGP can be state agencies, college and universities, local governments, Special Purpose Districts, private non-profit organizations, institutions that own or operate a private nonprofit facility as defined in § 206.221 (e), and Indian Tribes (federally recognized).

44 CFR § 206.221 (e) defines private nonprofit as any private nonprofit educational, utility, emergency, medical, or custodial care facility for the aged or disabled, and other facility providing essential governmental-type services to the general public, and such facilities on Indian reservations. Additionally, private nonprofit organizations are any nongovernmental agency or entity that currently has an effective ruling letter from the U.S. Internal Revenue Service, granting tax exemption under sections 501(c), (d), or (e) of the Internal Revenue Code of 1954 or a letter from the state that the non-revenue producing organization or entity is a nonprofit organized or doing business under state law performing essential governmental services and open to the public.

Tentative Timeline for the Second Round

| | |
|-----------------------------|--|
| December 17, 2001 | Letters of Intent emailed/posted on website |
| February 2002 | HMGP program overviews for Applicant Teams* |
| February 1, 2002 | Suggested date of applicant's LOI public meeting |
| February 15, 2002 @ 5:00 pm | Letters of Intent DUE (received at State EMD) |
| March 2002 | Mail applications to eligible applicants |
| Late March-April 2002 | HMGP application workshops and application development meetings with Applicant Teams |
| April-May 10, 2002 | Technical assistance in the field or in office |
| April 15, 2002 | Last day acceptable for initial public involvement (i.e., 1 st public notices and meetings must be completed by this date to be considered eligible for second round) |
| May 10-24, 2002 | Draft application reviews, as requested by applicant |
| June 4, 2002 @ 5:00 pm | Applications DUE to State EMD office (1 hard copy, 1 electronic copy). For those applications that pass IR and CB we will be requesting, from the applicant, an additional 5 completed copies within 5 working days to submit to the review committee. |

*Applicant Team: All individuals from a jurisdiction that will be working on the application or project, including the potential applicant agent, the project manager(s), program staff, financial staff, consultants, engineers, environmental staff, and other individuals from the jurisdiction that help put the concept together.

What's the Status of First Round Applications?

The Mitigation staff has finished the initial review applications that were received for the first round. We have been working closely with FEMA Region X on the pilot project for conducting benefit/cost analysis. Applications that meet eligibility, completeness, and benefit/cost analysis will be forwarded to the Hazard Mitigation Review Committee for scoring.

The number of applications received was a new record. There is currently \$10 Million available for the first round. Below is breakdown of the first round Letter of Intent Process and Application Review Process.

| Letters of Intent | | Applications | |
|-------------------|---------------|-----------------|----------------|
| LOIs | 370 | Projects | 73 |
| Jurisdictions | 137 | Jurisdictions | 55 |
| Total Requested | \$426 million | Total Requested | \$72.4 million |

The Hazard Mitigation Review Committee consists of six representatives of state agencies, the Seismic Safety Committee, and county and city officials that did not submit applications in the first round. Once the reviews are completed, by mid-January, the recommended applications will be submitted to FEMA Region X for environmental review and approval.

Once the approvals are received from FEMA, notification will be given regarding the grant signing and site visits. Applicants that did not meet eligibility, or were not chosen by the review committee, will be contacted and encouraged to discuss their application with staff and submit a Letter of Intent for the second round.

Lessons Learned

Any time there is something worth doing, there is a lesson to be learned. As we reviewed applications from the first round, the most common issues for ineligible projects were:

- ✚ Duplication of federal programs. 44 CFR § 206.434 (f) prohibits the HMGP from funding projects that are the responsibility of other federal programs or agencies, even if the other agency has no funding available or if you happen to disagree with the funding offered by that program (also eliminates “shopping” for the best deal of the federal programs). There may be opportunities for putting together improved projects under the Public Assistance Program if your project involves a Project Worksheet.
- ✚ Public involvement. For one or more of the following reasons, applications failed to adequately address the provision of ample opportunity for the public to comment on and assist in the development of the alternatives for the application. This is a requirement of the funding source.
 - Lack of, or inadequate, documentation provided with the application
 - No public involvement in the application development process
 - Delay in public process. As clearly stated in the *Application Development Guide*, March 2001, page 3, applicants that waited until the last few weeks prior to the application deadline have not provided the public the opportunity to comment on the project.

- Failure to provide documentation that impacted property owners supported the project and would be willing to participate.
- ✚ Cost effectiveness. 44 CFR § 206.434(a)(5) requires that all projects submitted for funding must show they are cost effective and will “substantially reduce the risk of future damage, hardship, loss, or suffering resulting from a major disaster.” Projects must show they “will not cost more than the anticipated value of the reduction in both direct damages and subsequent negative impacts to the area if future disasters were to occur. Both costs and benefits will be computed on a net present value basis.” [44 CFR § 206.434 (a)(5)(ii)]
- ✚ Applicant Agent. Per federal and state policy, individuals cannot appoint themselves as the applicant agent. The Chief Executive Officer of the applicant or other legislative body must designate the applicant’s agent to represent the applicant to arrange for work, monitor and evaluate work completed, and provide all essential documentation to the Department. Additionally, the applicant agent must have the authority to sign on behalf of the applicant and be designated for this disaster and specifically for the Hazard Mitigation Grant Program.
- ✚ Inadequate identification of local matching funds. Applicants must identify the capability to provide the minimum 12.5% in local match or in-kind match at the time the application is submitted, and 100% of any amounts over the established funding caps. Dependence upon future grant awards does not meet this criterion.
- ✚ Ineligible type of project
 - Project that do not provide a “long-term solution to the problem it is intended to address.” [44 CFR § 206.434 (a)(5)(iv)]
 - Project grants that merely identify or analyze hazards or problems are not eligible. [44 CFR § 206.434 (a)(4)] Planning grants will be eligible in the second round.
- ✚ Incomplete information provided.
 - Lack of documentation of numbers, costs, or benefits
 - What is the complete structure where a hazard mitigation project or measure would take place--is it a viable structure (i.e., the best nonstructural application methods will not be beneficial in a building the wind will blow down).
- ✚ Project has already begun or is completed.
 - A project or mitigation measure is a *proposed* action [44 CFR § 206.431(e) and (f).] This is also reflected in 44 CFR § 206.436(f) FEMA approval and 44 CFR § 206.438(c) progress reports. Therefore, a project that has been started prior to HMGP approval is negligible.
 - Due to National Environmental Policy Act (NEPA) requirements and guidance from the President’s Council on Environmental Quality (CEQ), projects that have been started or completed prior to approval will not be eligible for funding. [Hazard Mitigation Grant Program Application Development Guide, page 8, NOTE at middle of page and 44 CFR § 13.23.]

The HMGP Staff would like to thank you for all your comments and support through the first round of applications. Thanks to your concerns and the issues that were raised, we are currently reworking the application to address the above needs and other critical components, in addition to making the application more streamlined and user-friendly.

Hazard Mitigation Section Phone Numbers

| | |
|---|----------------|
| Martin Best, Deputy State Coordinating Officer-Mitigation | (253) 512-7073 |
| Joan Sterling, Hazard Mitigation Supervisor | (253) 512-7079 |
| San-Dee Stewart, Hazard Mitigation Secretary | (253) 512-7077 |
| Lorri Hergert, Hazard Mitigation Program Coordinator | (253) 512-7475 |
| Tammi Clark, Hazard Mitigation Program Assistant | (253) 512-7074 |
| Luke Meyers, Hazard Mitigation Program Assistant | (253) 512-7081 |
| Heather White, Hazard Mitigation Environmental Specialist | (253) 512-7080 |
| FAX | (253) 512-7205 |

Washington State Military Department
Emergency Management Division
MS: TA-20, Building 20
Camp Murray, Washington 98430-5122
<http://www.wa.gov/wsem> (see Mitigation)